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SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

# SUMMARY RECORD OF THE 17th MEETING

Held at Headquarters, New York,
on Monday, 27 April 1981, at 3 p.m.

Chairman: Mr. JOHNSON (Ecuador)

CONTENTS

Consideration of reports submitted in accordance with Council resolution 1938 (LX) by States parties to the Covenant concerning rights covered by articles 10 to 12 (continued)

This record is subject to correction.

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Any corrections to the records of the meetings of this session, will be consolidated in a single corrigendum to be issued shortly after the end of the session.

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10 TO 12 (continued)

Report of the United Kingdom of Great Britain and Northern Ireland (E/1980/6/Add.16, 25 and 26)

At the invitation of the Chairman, Mr. Chatterjie and Mr. Longford (Observers for the United Kingdom) took a place at the table.

1. Mr. CHATTERJIE (Observer for the United Kingdom of Great Britain and Northern Ireland) said that the report of the United Kingdom on its Dependent Territories (E/1980/6/Add.25) had been prepared by the dependent territories themselves and that he was not in a position to answer the questions put to him by the representative of Senegal. However, he would forward the questions to the authorities which had prepared the report.

2. Mr. LONGFORD (Observer for the United Kingdom of Great Britain and Northern Ireland) called the Committee's attention to several minor amendments to the United Kingdom's report and analytical summary. On page 10 of the report (E/1980/6/Add.16), the phrase "who was previously in the same household but is now" should be inserted in paragraph (b) (ii) after the words "in relation to another child". On page 32, line 11 of the analytical summary, the phrase "making it difficult for them to exist properly" should read "who find difficulty in maintaining existing property".

3. On the question of the right to an adequate standard of living for foreigners in the United Kingdom, he said that the supplemental benefits scheme described in the report applied to foreigners in exactly the same way as it did to indigenous British subjects, with the exclusion of certain categories such as full-time students, those in full-time employment and those involved in trade disputes. The only criterion was that the claimant's resources must fall short of his needs. Although the 1948 supplementary scale rate for a married couple had been only £2 per week, it was now £34.60 per week for short-term benefits and £43.45 for long-term benefits, which was considered adequate by Parliament to meet the food and housing requirements of British subjects as well as foreigners.

4. Mr. CHATTERJIE, replying to questions from the representative of Spain concerning equal opportunities for women, said that the Sex Discrimination Act of 1975 had resulted in the establishment of an Equal Opportunities Commission to investigate complaints, enforce the legislation and promote equal opportunity for men and women. The number of complaints from women regarding sex discrimination had fallen between 1976 and 1979, and 66 per cent of the 1979 cases had been cleared before reaching the tribunal.

5. Mr. LONGFORD, in reply to the question concerning benefits for widows under the national insurance scheme, said that a widow might draw four different types of benefits at different stages. Immediately following the death of her husband, she received a widow's allowance for 26 weeks of £38, which would be increased to £41.40

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in November. After 26 weeks, if she had dependent children or was pregnant by her late husband, she received a "widowed mother's allowance" until the youngest child reached the age of 19. If she was still not in the labour force, she received a widow's pension until she reached retirement age, when she became eligible for a retirement pension on the basis of her husband's contributions or the combined contribution records of both spouses. If the wife had been the main breadwinner and the husband had died, there were provisions for a widower's benefit as well.

6. On the subject of child care and nurseries, he said that the local authorities were responsible for providing day nurseries and might sponsor children in day-care centres. They also kept registers of child-minders, who could provide more homelike, informal and flexible care than was available in a day nursery.

7. In response to the question put by the representative of the German Democratic Republic concerning the proportion of health care costs borne by the patient and the insurance company, he said that under the national health service the bulk of medical treatment was free, with the exception of certain services such as spectacles, dentures and prescriptions. There was also provision in the law for a person who wished to avail himself of private health insurance.

8. On the question of unemployed workers and migrant workers, he said that unemployment benefits were based on the satisfaction of certain contribution conditions on the part of the employee and the employer. The unemployed person was entitled to one year of unemployment insurance, after which his entitlement became subject to certain needs criteria. He would then be entitled to assistance under the supplementary benefits scheme. Migrant workers in the United Kingdom, unlike those in many other countries, usually planned to settle permanently in the United Kingdom. They were therefore entitled to benefits under the supplementary benefits scheme based on their residence and under the unemployment entitlement programme based on their contributions.

9. Mr. CHATTERJIE said that the United Kingdom was a party to the Convention on the Elimination of All Forms of Racial Discrimination and reported to the Committee on the Elimination of Racial Discrimination; the details of race relations in the United Kingdom were described in that report. British society was changing and had become multiracial in recent years. His Government was wholly committed to equality before the law regardless of race. A series of race relations acts had been passed since 1965, including the act of 1976, which had provided more effective redress for victims of racial discrimination and more severe penalties for incitement to racial hatred. A Commission for Racial Equality had been established in 1976, which conducted investigations, established guidelines and co-ordinated community actions with respect to enforcement of non-discrimination legislation. An advisory council on race relations had also been established in 1977 to advise the Home Secretary.

10. Mr. LONGFORD said that the representatives of the Libyan Arab Jamahiriya, the USSR and the Federal Republic of Germany had all expressed great interest in the provisions relating to maternity benefits. As the United Kingdom Government was at

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present reviewing the existing provisions, he would describe the arguments in favour of the existing system and those in favour of change. Currently, a lump sum maternity grant of £25 was paid to every expectant mother who satisfied certain minimal contribution requirements. In 1980 there were some 60,000 confinements for which no grant was paid because the contribution requirements had not been satisfied. However, the Government planned to abolish the contributions test by 1982, after which the expectant mother's presence in the United Kingdom would suffice to qualify for the grant.

11. Secondly, there was the maternity allowance, which had been payable under the national insurance scheme since 1948. It was intended to replace the weekly earnings of employed women and allow them to cease work well before confinement. It was paid to all women who satisfied the contribution requirements, which were the same as for sickness benefits. The number of expectant mothers entitled to receive the maternity allowance had risen steadily. Between 1966 and 1979, the proportion of mothers receiving the maternity grant and qualifying for the maternity allowance had risen from 27 to 51 per cent. The maternity allowance was payable for a maximum of 18 weeks, from the eleventh week before the expected date of confinement to six weeks after that date, only after the woman had stopped work. The present rate of £20.65 a week would be increased to £22.50 in November 1981.

12. A third type of maternity benefit was the comparatively new system of maternity pay. It was paid by the employer and had been available since 1977 as an employee's right to women who worked 16 hours or more each week and had been in continuous service with the same employer for at least two years, or five years in the case of a woman working for at least eight hours and less than 16 hours a week. The employer must start the payment six weeks before the expected date of confinement, at a rate of nine-tenths of regular pay. Maternity pay was subject to tax and to the payment of national insurance contributions. Though it was paid out by the employer, it could be reclaimed from the Maternity Pay Fund, which was financed from employers' social security contributions.

13. There had been criticism that the current system led to inequitable variations in benefits and was confusing to the claimants. Criticism had also been directed at the low level of the maternity grant and the restriction of maternity pay to persons who had worked for two years for the same employer. It had been recommended, therefore, that the whole question should be re-examined so that the large sum allocated for maternity benefits could be spent to better effect. The Government was prepared to consider any proposals for altering the system, on the understanding that given the prevailing financial climate, there would be no increase in total expenditure. The Department of Health and Social Security had invited suggestions from interested organizations and the public for a simpler and more equitable system of maternity benefits.

14. Mr. CHATTERJIE, replying to the question of the representative of Bulgaria about housing conditions in Northern Ireland, said that the 1979 House Condition Survey had shown a distinct improvement in the Northern Ireland housing stock.

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Conditions in most areas were now good, although they were still poor in Belfast, which was currently receiving 50 per cent of the funds available to the Northern Ireland Housing Executive, a quasi-autonomous governmental agency set up in 1970, with a membership drawn from all sections of the community and responsible to the Government of the United Kingdom. Public expenditure on housing in Northern Ireland was 50 per cent above the average for the rest of the United Kingdom. Of the £130 million available for improvement grants for old dwellings in the United Kingdom as a whole, Northern Ireland received £30 million, or one quarter, for one fortieth of the population of the United Kingdom, and in 1980 approximately one twelfth of all public sector housing starts were in Northern Ireland.

15. With regard to the question about housing and migrant workers, he explained that there were very few migrant workers as such in the United Kingdom. The Government had, however, recognized that there were special problems affecting the inner cities where many poorer people and recent immigrants lived. In 1979-1980, an Urban Programme with a budget of £165 million had been established to provide grants to assist local authorities with projects in inner city areas, taking into account the needs of ethnic minorities. The fact that over 70 per cent of Asian households were owner occupiers, a higher proportion than for the population as a whole, indicated that the ethnic minorities were successfully establishing themselves in the United Kingdom.

16. Mr. LONGFORD said, in reply to the question from the representative of Jordan about adoptive parents, that once an adoption order had been made, adopted children received the same protection as legitimate natural children and if the adoptive parents became unable through misfortune to support them, the same benefits would apply as in the case of regular family members. Once the natural parent agreed to an adoption order, he perpetually relinquished the right to custody of the child. The Government took steps, therefore, to see that the natural parent was fully aware of the impliations before consenting to adopcion, and there was a probationary period during which the child lived with the adoptive parents before the final order was made. After that, he was treated as though he were the natural-born offspring of his adoptive parents.

17. Mr. CHATTERJIE said, in reply to the representative of the USSR, that protection of the right to work and measures to alleviate unemployment among young people had been dealt with in detail in the report of the United Kingdom concerning rights covered by articles 6 to 9 (E/1978/8/Add.9). The level of unemployment in general, and among young people in particular, was a matter of concern to the Government and measures had been taken which were currently creating about 345,000 new jobs. The £320 million originally scheduled by the Government for 1981 to help young people to get jobs had been increased by a further £250 million for a special effort carried out through various agencies, including the Youth Opportunities Programme, the Manpower Services Commission and the Community Industry Scheme.

18. In reply to the question about the education of children in Northern Ireland, he noted that under article 13 (3) of the Covenant the States parties undertook to respect the liberty of parents to choose for their chilren schools other than those established by the public authorities and to ensure the religious and moral

(Mr. Chatterjie)

education of their children in conformity with their own convictions. Many children in Northern Ireland were educated in separate facilities according to their religious faith, but solely at the wish of their parents. The United Kingdom Government provided assistance for both Catholic schools and state schools and the parents were subject to no extra charge.

19. Mr. LONGFORD, also in reply to the representative of the USSR, said that the eviction of tenants was extremely unusual in the United Kingdom. When such a situation did arise, the main reason was not that the tenant was unable to pay his rent but that he had failed to do so. The Supplementary Benefit Scheme which covered persons who were unemployed or not in full-time employment included a reasonable amount for rent. There was also the family income supplement scheme for persons in employment which brought the earnings of low-paid breadwinners with large families up to an adequate level. Moreover, local authorities were empowered to grant rebates on public sector housing rents to low-income families. Failure to pay rent, therefore, was not a consequence of inadequate income. Where, in exceptional cases, eviction did take place, local authorities could provide emergency accommodation. The children of the family would probably be received into care while their parents were without a home, and the parents would be housed in adequate though not lavish temporary accommodation.

20. With regard to the protection of young people from pornographic exploitation, he said that since 16 was the legal age of consent to sexual intercourse for adolescents, the Government had regarded that age as an appropriate upper limit in legislation designed to protect young people from pornographic exploitation.

21. He regretted that he was unable at the moment to provide the statistics on narcotics addiction among young people requested by the representative of the USSR but, if any were available, he would arrange for them to be forwarded to him.

22. On the question put by the representative of the USSR about maternity leave, he explained that the Employment Protection Act did not create a right to maternity leave or require the employer to pay an expectant or new mother's salary while she was absent from work. It left those matters to be agreed under the terms of the employment contract. However, it did create a right to receive maternity pay, and a statutory right for the mother to have her job back within a predetermined time after confinement.

23. Mr. CHATTERJIE, replying to questions asked by the representative of Barbados, said that the Housing Purchase Assistance Act had been in effect since 1980 but he had as yet no detailed information available on its operation. Since that Act had been passed, the Government had taken further measures to promote low-cost home ownership. Those measures included licensing builders to build on local authority land, the improvement of dwellings for sale to private purchasers and the sale of unimproved dwellings for improvement by the purchaser himself. Other measures to promote the release of additional land included the streamlining and speeding up of the planning system and the introduction of land registers to ensure that unused and underused land in the public sector was identified and released.

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24. With reference to the report of the Associated States, he said that the United Kingdom had not ratified the Covenant on behalf of those States and, as a result, it did not apply to them.

25. He assured the representatives of Barbados and the Federal Republic of Germany that the new British Nationality Act, which had not yet been finalized by Parliament, would have no effect on the rights of residents of the United Kingdom under the terms of the Covenant.

26. Mr. LONGFORD, in reply to the question from the representative of Barbados concerning the entitlement of self-employed mothers to maternity benefit and the problems they might encounter in obtaining it, said that if a self-employed woman gave up employment because of pregnancy, confinement and the need to look after the newborn child, she was entitled, like any other woman employee, to maternity benefits under the provisions of the National Insurance Act. As far as he knew, there were no difficulties in this respect and the processing was just as quick as for any normal claim.

27. The CHAIRMAN said that, if he heard no objection, he would take it that the Working Group had concluded its consideration of the reports of the United Kingdom of Great Britain and Northern Ireland.

28. Mr. Chatterjie and Mr. Longford (Observers for the United Kingdom of Great Britain and Northern Ireland) withdrew.

29. The CHAIRMAN said that, if he heard no objection, he would adjourn the meeting and the members of the Working Group would immediately reassemble as the Drafting Group of the Whole.

30. It was so decided.

The meeting rose at 4.45 p.m.

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SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 18TH MEETING

Held at Headquarters, New York,
on Tuesday, 28 April 1981, at 10.30 a.m.

Chairman: Mr. JOHNSON (Ecuador)

later: Mr. KORDS (German Democratic Republic)

CONTENTS

Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States Parties to the Covenant concerning rights covered by articles 10 to 12 (continued)

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The meeting was called to order at 10.50 a.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10 TO 12 (continued)

Report of Panama (E/1980/6/Add.20)

1. At the invitation of the Chairman, Mr. Diaz (Observer for Panama) took a place at the table.

2. Mr. DIAZ (Observer for Panama) said that the expert whom his Government had designated to introduce its report could not be in New York for the session of the Working Group. He therefore asked the Working Group to defer consideration of the report until the following year.

3. The CHAIRMAN said that, if there was no objection, he would take it that the Working Group agreed to the request by the representative of Panama.

4. It was so decided.

The meeting was suspended at 10.55 a.m. and resumed at 11.30 a.m.

Report of Australia (E/1980/6/Add.22)

5. At the invitation of the Chairman, Mr. Joseph (Observer for Australia) took a place at the table.

6. Mr. JOSEPH (Observer for Australia) said that Australia took seriously its obligations under the Covenant and that since its first report had been considered by the Working Group the preceding year it had ratified the International Covenant on Civil and Political Rights. That step had been taken following an exhaustive examination of the practical implications it would have for all jurisdictions within the Australian Federation. Ratification of the Covenant had been followed by the adoption by the Parliament of a bill for the establishment of a Human Rights Commission to hear complaints of violations of human rights within areas of federal responsibility. The Commission would complement and extend provisions already existing in Australian law in such legislation as the Racial Discrimination Act of 1975.

7. The Australian federal political system meant that several jurisdictions bore responsibility for implementing Australia's international obligations. While that system might make for some complexity in presenting a comprehensive picture of the situation, it did not constitute a hindrance to the effective protection of human rights. Since the Federation had been formed in 1901, the power of the central Government had grown steadily. While the states had also expanded their activities, the federal Government had the first right of taxation, which gave it a virtual monopoly over taxes and an effective means of ensuring that the states followed its policies in order to qualify for federal funding. Although there had

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been some discussion of the possibility of decentralization, and indeed some steps had been taken in that direction, the states had grown accustomed to the existing relationship with the federal Government and were unlikely to seek any radical changes. For the sake of brevity and coherence, the report concentrated on federal policies; state laws and practices were cited where they added significantly to the range of measures employed within the nation as a whole.

8. As a country which for most of its independent history had enjoyed a high degree of social and economic development, Australia possessed a solid base for implementing the rights provided for under the Covenant and for the great bulk of the population those rights were in many respects already practically assured. That was not to say that Australia was a utopia; the society was evolving all the time and new and more effective ways of ensuring social and economic security were constantly being sought and implemented. The generally high standard of public welfare reflected the fact that policy priorities had in recent years been primarily directed to adjusting or amending existing programmes to improve their quality and to catering for the special needs of disadvantaged groups. Accordingly, the report contained numerous references to special programmes for groups which had not had adequate access to the general range of governmental and private health, welfare and social security programmes in the past.

9. One such group was the Australian Aboriginals, who comprised only two thirds of 1 per cent of the total population. The Government was committed to the principle that all Aboriginals and Torres Strait Islanders should be free to determine their own future and it recognized their fundamental right to retain their racial identity and traditional life-style, should they so desire. The Government had undertaken to fund programmes aimed at Aboriginal self-sufficiency. A fundamental objective of Commonwealth Aboriginal affairs programmes was to secure for Aboriginals access to the community services available to other Australians, to facilitate the adaptation of programmes where necessary to make them culturally appropriate and to provide additional services appropriate to the particular needs of the Aboriginal people.

10. Social security systems generally had two over-all objectives, namely, the provision of minimum income support for such contingencies as old age, invalidity, sole parenthood, unemployment or sickness, and the maintenance of previous living standards when people became old or incapacitated. The income security system in Australia had always been based on the objective of sustaining a minimum level of income for those in need. The maintenance of living standards was generally left for individuals to meet through their own private arrangements. The Government assisted them by a variety of means, including tax concessions for occupational superannuation schemes.

11. In the area of health, the federal Government had sought to encourage the development of health services which adequately met the needs of all Australians through combined federal-state cost-sharing arrangements, targeted financial assistance, surveillance of health insurance arrangements and cash benefit programmes. Some 10 years earlier, the health services system had consisted essentially of a collection of private insurance schemes receiving some support

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from the Government. That system had been criticized, inter alia, because it did not cover the poorest segment of society and was of a piecemeal nature. Consequently, in 1972 the Government had introduced a new system providing for payment by the federal Government of 80 per cent of medical fees and one half the cost of hospitals run by the states. That new system had been plagued by runaway costs and new arrangements had had to be introduced in the late 1970s, putting health care back in the hands of private concerns receiving Government support. As costs continued to escalate, the Government was reviewing the matter and changes were in the offing.

12. In addition to administering such financial programmes, the federal Government also administered a range of activities designed to maintain and improve the health of Australians. Quarantine procedures were aimed at ensuring that Australians were protected from exotic diseases, and research in pursuit of improved health care was likewise encouraged. Advice on a wide range of public health matters, including occupational health, family planning, women's health, preventive medicine, nutrition, environmental health and epidemiology was also provided.

13. Mrs. JIMENEZ BUTRAGUEÑO (Spain), noting that Australia had a reputation as a country in which foreign workers received good treatment, asked whether there was complete equality of aliens and foreigners before the law. She also asked whether there was full equality between men and women or whether the situation was still evolving. In particular, she wished to know whether there was any de facto or de jure discrimination against women in education.

14. She requested additional information about the Family Support Services Program, especially with regard to eligibility requirements for homemaker assistance. The report indicated that the programme included services for single parent families and she asked whether men raising families alone had the same entitlements as women in similar conditions. She also wanted to know whether the "widow's pension" in Australia was payable to working women or whether a condition for receiving the benefit was that the woman should not work.

15. Lastly, she asked whether the Government provided any specific assistance for handicapped adults.

16. Mr. CHERNICHENKO (Union of Soviet Socialist Republics) requested more detailed informaion regarding the procedure for obtaining a divorce in Australia.

17. The report indicated that the Conciliation and Arbitration Commission had determined that women with a minimum of 12 months' service were entitled to unpaid maternity leave not exceeding one year and he asked for information concerning the leave entitlements of women who did not have at least 12 months' service.

18. In connexion with the application of article 11 of the Covenant, he asked how many unemployed there were in Australia and what proportion of that number consisted of young people.

19. Lastly, he wanted to know what percentage of average income was spent on rent.

20. Mr. BORCHARD (Federal Republic of Germany) commended the Government of Australia for its very frank report, which touched on both the achievements and problems encountered by that country in applying the provisions of the Covenant. The report dealt only briefly, however, with one matter that was of great importance in view of Australia's history as a country of immigrants. He asked whether any distinction was made in law between aliens, in general, who might reside in the country for a period of time and those who arrived with the intention of settling permanently. He also wished to know whether there was any general policy to assist immigrants in starting a new life in Australia.

21. Mr. SHAMMA (Jordan) requested information concerning the cultural, economic and social conditions of the Aboriginals and concerning any measures adopted by the Government to promote and enhance their cultural rights.

22. Mr. SAMSON (International Labour Organisation), drawing attention to the comments on Australia contained in the report of the ILO Committee of Experts (E/1981/41), said that article 10, paragraph 2, of the Covenant provided for special protection of mothers during a reasonable period before and after childbirth and, more particularly, for paid leave for working mothers during that period or leave with adequate social security benefits. Both the Australian Government's report and the ILO Committee's report indicated that there was no social security maternity benefit in Australia, that a right to paid maternity leave was enjoyed only by federal government employees, some state government employees and some women working in the private sector, and that under various awards provision was made for unpaid maternity leave. The Committee of Experts had therefore considered that information would be desirable on any further measures to establish such entitlements. The Committee of Experts had also suggested that additional information would be desirable on any measures taken to regulate the type of work to which women might be assigned during pregnancy and following confinement. It would also welcome information on any further measures to safeguard security of employment of women workers before and after childbirth.

23. With respect to work by children and young persons, the Government's report referred to a report relating to ILO Convention No. 138 that had been submitted to the ILO. Such cross-references were specifically permitted by article 17 of the Covenant. That report to the ILO had run to over 100 pages; the Committee of Experts had analysed the information it contained and the relevant laws and regulations, enabling the Working Group to appreciate the nature and scope of the protection provided.

24. Australian legislation differed from that of other States considered by the ILO Committee in that it did not establish a general minimum age for admission to employment. It approached the question of child labour primarily from the point of view of compulsory school attendance, supplementing that approach by various provisions establishing a minimum age for particular types of work. However, that left considerable scope for work outside school hours and the situation varied from one state to another. Accordingly, the ILO Committee considered that additional information would be desirable on measures adopted to establish a general minimum age for work by children under the school-leaving age and the conditions of employment applicable to such work, measures taken to establish a minimum age

(Mr. Samson, ILO)

for street-trading in the Northern Territory and in South Australia and to raise the minimum age for such work in Queensland, Tasmania, Victoria and Western Australia, where the current minimum of 11 or 12 years appeared too low. It also requested information on further measures to establish special minimum age standards for harmful or dangerous work (with special attention to agriculture, construction and transport), and further measures taken to ensure that children and young persons were medically fit for the work in which they were employed.

25. The questions raised by the Committee of Experts, which were intended to promote a dialogue on the application of the Covenant, related to matters which merited study by the competent authorities and on which information could be provided in subsequent reports. It was to be hoped that particularly in a federal state where the legislation and practice of a number of different jurisdictions were involved, the questions raised by the Committee of Experts would be found constructive and helpful.

26. Mr. KORDS (German Democratic Republic) took the Chair.

27. Mr. JOSEPH (Observer for Australia) expressed regret that last-minute changes in the schedule of the Working Group would preclude detailed replies to the questions raised.

28. With regard to the questions put by the representative of Spain, he said that Australian legislation identified two basic categories of foreign workers: permanent residents and visitors. Although permanent residents could choose to stay for only a short time, they enjoyed virtually the same rights as Australian citizens, except the right to vote and certain legal rights, such as the right to serve on juries. Women enjoyed all rights except, in certain instances, with respect to the right to equal pay. All federal jurisdictions and five of the six states had legal provisions guaranteeing equal pay for women. Legal pressure was being brought to bear on the sixth state in order to bring it into line with the rest of the country in that respect. In general, in 90 per cent of the cases, women received pay equal to that of men.

29. With respect to support services for mothers, he pointed out that the Australian Government provided all mothers with a family allowance on the basis of the number of children. Single parents received special tax breaks and since November 1980 were eligible to receive income maintenance payments. Unmarried mothers enjoyed the same rights as married mothers, and in addition, were also eligible for the benefits provided to single parents. Handicapped adults were eligible to receive various forms of federal payments.

30. In reply to the questions raised by the representative of the Soviet Union, he said that the procedures regulating divorce were governed by the Family Law Act. The minimum waiting period was one year and the breakdown of the marriage was accepted as grounds for divorce. The main progressive feature of the divorce legislation was the equal division of communal property and earnings between the partners. Income earners, whether the wife or the husband, were required to support the children on the basis of their financial capacity, which was determined

(Mr. Joseph, Observer, Australia)

by the Family Law Court. That Court also decided on the custody of the children, who could advise the Court of their preference.

31. Paid maternity leave was granted to federal employees and employees in certain states. A significant portion of the private sector did not provide paid maternity leave. A woman had to work a minimum of 12 months before she became eligible for paid maternity leave.

32. Like many other industrialized countries, Australia suffered from unemployment. Nevertheless, its unemployment situation was better than most other OECD countries. Currently about 5 per cent of the work force, including both men and women, was unemployed. A disturbingly high proportion of that percentage was made up of young people, especially school-leavers. The Government was careful not to enact unemployment legislation which would reduce their employment prospects.

33. In reply to the questions raised by the representative of the Federal Republic of Germany, he said that his Government followed a liberal immigration policy under which permanent residency was not difficult to obtain. Australia took in large numbers of immigrants and many refugees, especially those from Indo-China. There were no legal distinctions or restrictions between immigrants and Australian citizens. After three years of residence, an immigrant could apply for Australian citizenship, which was denied only in cases of serious criminal offences.

34. In reply to the question raised by the representative of Jordan, he said that the Aboriginal population numbered approximately 120,000 people. The Aboriginals had their own distinct cultural identity, which varied from location to location. Some Aboriginals tended to assimilate the cultural habits of the majority of the population. That group did not earn as much as the average Australian citizen and lived in inferior housing. In general, the Aboriginals had a high infant mortality rate. Fifteen years earlier, the Government had changed its policy to one which was designed to give Aboriginals the choice of retaining their own culture or assimilating into the mainstream of Australian life. they enjoyed the same social and medical rights as the majority of Australian citizens and also received special assistance from the Government. Although much remained to be done, the Government was committed to ensuring full enjoyment of their rights.

35. In reply to the questions raised by the representative of the ILO, he said that the comments of the Working Group of Experts regarding paid maternity leave would be given serious consideration by his Government. Although there was no general provision for a minimum age of employment, the minimum school-leaving age served the same purpose since a child could not work if it had to remain in school. With respect to the question of part-time employment, he felt that most young people welcomed the possibility of earning money through after-school employment.

36. The CHAIRMAN said that, if he heard no objection, he took it that the Working Group had concluded its consideration of the report of Australia (document E/1980/6/Add.22) submitted in accordance with Council resolution 1988 (LX) by States parties to the Covenant concerning rights covered by articles 10-12.

The meeting rose at 12.50 p.m.

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# SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

## SUMMARY RECORD OF THE 19th MEETING

Held at Headquarters, New York,
on Wednesday, 29 April 1981, at 10.30 a.m.

Chairman: Mr. JOHNSON (Ecuador)

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Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum to be issued shortly after the end of the session.

The meeting was called to order at 10.50 a.m.

PROVISIONAL AGENDA FOR THE 1982 SESSION OF THE WORKING GROUP (E/1981/WG.1/CRP.1) AND BUREAU OF THE SESSIONAL WORKING GROUP FOR 1982 (E/1981/WG.1/CRP.2)

1. The CHAIRMAN said that if he heard no objection, he would take it that the Working Group wished to adopt by consensus the proposals of the Bureau on the draft provisional agenda for the Sessional Working Group in 1982 contained in document E/1981/WG.1/CRP.1 and on the Bureau of the Sessional Working Group for 1982 contained in document E/1981/WG.1/CRP.2.

2. It was so decided.

CONSIDERATION OF THE DRAFT REPORT OF THE SESSIONAL WORKING GROUP (E/1981/WG.1/L.2 and Add.1)

3. The CHAIRMAN invited the Working Group to consider its draft report chapter by chapter.

Chapter I

4. Mr. PAL (India), Rapporteur, said that the draft report of the Sessional Working Group had basically the same format as previous reports. Section E of chapter I (E/1981/WG.1/L.2) was included in the text in pursuance of the decision of the Council urging all bodies to rationalize their work in that manner.

5. Mr. CHERNICHENKO (Union of Soviet Socialist Republics) said that the reference to the Federal Republic of Germany in paragraph 4 of the Russian text was incorrect and should be changed.

6. Chapter I (paras. 1-10) was adopted.

Chapter II

7. Mr. CHERNICHENKO (Union of Soviet Socialist Republics) said that the understanding referred to in paragraph 13 was an ad hoc understanding which pertained only to the session in progress at the time it was reached. That should be reflected in the text somehow.

8. Mr. PAL (India), Rapporteur, said that the understanding was based on a decision taken formally within the Working Group and therefore was not an ad hoc understanding.

9. The CHAIRMAN appealed to the members of the Working Group not to reopen the debate on matters on which agreement had been reached.

10. Paragraphs 11-16 were adopted.

11. Mr. PAL (India), Rapporteur, suggested that the reference to Panama in paragraph 17 should be deleted and incorporated in paragraph 18 since that country had been unable to present its report at the current session.

12. It was so agreed.

13. Mr. BORCHARD (Federal Republic of Germany) said that the reference to his country in paragraph 17 was incorrect and should be "Germany, Federal Republic of".

14. Paragraphs 17 and 18, as amended, were adopted.

15. Mr. PAL (India), Rapporteur, said that both paragraph 19 and the Annex mentioned documents which were referred to in the discussion. In order to avoid duplication, he suggested that either paragraph 19 should be retained and the Annex should list the symbols of those documents with a reference to paragraph 19 or that paragraph 19 should be deleted and the Annex should be retained as it stood.

16. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) said that the first suggestion was the better of the two.

17. That suggestion was adopted.

18. Paragraph 19 was adopted.

19. Chapter II was adopted.

20. The Annex, as amended, was adopted.

Addendum 1

21. Mr. PAL (India), Rapporteur, drew attention to several editorial changes made in Addendum 1. In the English text the references made to the various recommendations were in the past tense in accordance with editorial style. The reference to the name of the Working Group was incorporated in the last sentence of the fourth paragraph of section 1 in order to make the text more homogeneous. He suggested that in the English text of section 7 the words "to be" should be inserted after the word "were". Lastly, he suggested that in section 11 the phrase "the Working Group should recommend to the Council the suspension of" should be deleted in order to avoid unnecessary repetition and the sentence rewritten as follows: "The preparation of the analytical summaries as authorized in Council decision 1978/9 should be suspended."

22. It was so agreed.

23. Addendum 1 to the draft report, as amended, was adopted.

24. The draft report as a whole, as amended, was adopted without a vote.

OTHER MATTERS

25. Mr. BORCHARD (Federal Republic of Germany) suggested that in future the Working Group should hold its meetings in a larger room in order comfortably to accommodate the members of the Working Group as well as all interested parties.

26. Mr. AGBASI (Secretary of the Working Group) said that Conference Services assigned rooms according to the estimated number of persons attending the meetings. Twenty names had been submitted for the current session. If the members of the Working Group submitted the names of those they would like to invite, it would be possible to obtain a room which would accommodate everybody.

CLOSURE OF THE SESSION

27. After an exchange of courtesies, the CHAIRMAN declared the 1981 session of the Sessional Working Group closed.

The meeting rose at 11.55 a.m.